

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Donna Lucia,

Plaintiff,

v.

Case No. 12-15135

Ford Motor Company,

Sean F. Cox

United States District Court Judge

Defendant.

ORDER
DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION
AND OVERRULING AS MOOT PLAINTIFF'S OBJECTION TO BILL OF COSTS

Plaintiff filed this action against her current employer, her union, and several individuals, asserting employment discrimination claims. Her employer, Defendant Ford Motor Company ("Defendant"), was the last remaining Defendant. Following the close of discovery Defendant filed a Motion for Summary Judgment. After full briefing by the parties, including supplemental briefs, this Court granted Defendant's Motion for Summary Judgment in an Opinion & Order issued on March 7, 2014. This Court issued a Judgment in favor of Defendant on March 7, 2014.

Thereafter, Clerk of the Court taxed costs in the amount of \$2,203.95 against Plaintiff. (Docket Entry No. 6).

On April 3, 2014, Plaintiff's Counsel filed an "Objection To Defendant's Bill of Costs" (Docket Entry No. 66). The only objection asserted is that a bill of costs is premature "as this case is still pending; Plaintiff intends to file a Motion for Reconsideration of Judge Cox's March 7, 2014 decision." (*Id.* at 1). Plaintiff asserts that the Court "may still order that

Plaintiff's claims are not dismissed in their entirety. A bill of costs should not be granted until all claims are final." (*Id.* at 2).

On April 4, 2014, Plaintiff filed a "Motion For Alteration Of Judgment Under Fed. R. Civ. P. 59(e)" (Docket Entry no. 67). Despite its title, this motion is actually a motion seeking reconsideration of this Court's March 7, 2014 Opinion & Order.

Motions for reconsideration in civil cases are governed by Local Rule 7.1 of the Local Rules of the Eastern District of Michigan. Local Rule 7.1 provides that a motion for reconsideration must be filed within 14 days after entry of the judgment or order at issue. *See* Eastern District of Michigan Local Rule 7.1(h)(1).

Here, Plaintiff asks the Court to reconsider the rulings set forth in its March 7, 2014 Opinion & Order. That motion, however, was not filed until April 4, 2014. Because Plaintiff's motion was filed more than fourteen days after entry of this Court's March 7, 2014 Opinion & Order, the motion shall be denied as untimely.

In addition, the Court would deny the motion even if it had been timely filed. Local Rule 7.1 states:

(3) Grounds. Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

See Eastern District of Michigan Local Rule 7.1(h)(3). Thus, a motion for reconsideration does not afford a movant an opportunity to present the same issues that have been already ruled on by the court, either expressly or by reasonable implication. Nor does a motion for reconsideration

afford the movant an opportunity to make new arguments that could have been, but were not, raised before the Court issued its ruling.

In order to grant a motion for reconsideration, the movant must demonstrate a palpable defect by which the court has been misled and must also show that correcting the defect will result in a different disposition of the case. Plaintiff has not met that burden.

Accordingly, IT IS ORDERED that Plaintiff's motion for reconsideration is DENIED. Given that ruling, the Court also ORDERS that Plaintiff's objection to the bill of costs taxed, as being premature, is OVERRULED AS MOOT.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: May 15, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 15, 2014, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager